

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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725 Summer Street NE, Suite A
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME RANDY RUPP		PHONE (HM) (509) 737-0547	
PHONE (WK)	CELL (509) 628-7516		FAX (509) 737-0978
ADDRESS 176 KRANICHWOOD ST			
CITY RICHLAND	STATE WA	ZIP 99352	E-MAIL* RANDY@COSTLESSCARPET.COM

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL*

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME SARA HAYNES / BROWNE CONSULTING, LLC		PHONE (541) 523-5170	FAX (541) 523-5170
ADDRESS 50809 ELLIS ROAD			CELL
CITY NORTH POWDER	STATE OR	ZIP 97867	E-MAIL* SARA@BROWNECONSULTING.BIZ

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-18127</u>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Powder River	Approx 515 ft	Approx 0 ft
2	Powder River Muddy Creek	Approx 2,990 ft Approx 4,150 ft	Approx 50 ft Approx 15 ft
3	Powder River Muddy Creek	Approx 1,810 ft Approx 2,275 ft	Approx 10 ft Approx 16 ft

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Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

There are no existing wells by this landowner but there are wells in the surrounding area that are drilled into granite or basalt layers. BAKE 52275 was drilled in 2013 by the landowner to the east and the well log shows black basalt at 75 ft below land surface and fractured black basalt from 142 ft to 385 ft. BAKE 51965 and BAKE 51323 are also nearby and show consolidated formation layers present.

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 4.7 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

6-18/27

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	16" 12"	0-18' 0-80'	150-400' (uncased hole)	0-18' 75-80'	BAKE 109 12 ft	Bedrock	400 ft		
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	16" 12"	0-18' 0-80'	150-400' (uncased hole)	0-18' 75-80'	BAKE 109 12 ft	Bedrock	400 ft		
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	16" 12"	0-18' 0-80'	150-400' (uncased hole)	0-18' 75-80'	BAKE 109 12 ft	Bedrock	400 ft		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	Oct 2 – Oct 31	846
Supplemental Irrigation	Mar 1 – Oct 1	846

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 282 (Oct 2 – Oct 31) Acres Supplemental: 282 (Mar 1 – Oct 1) Acres

List the Permit or Certificate number of the underlying primary water right(s): Certificates 1487, 1509, 4438, 8845, 28770, 29065

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 846 acre-ft

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____

If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and type): 125 HP 8" submersible pump placed between 200-300 ft deep

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from the proposed well(s) and applied to the place of use via mainline and header boxes as required.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Pivots will be installed and used to apply the water. Flood irrigation will be applied to those areas not served by pivots.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

This landowner is currently irrigating with wheel lines but plans to irrigate with pivots. This upgrade will allow a better use of the water application in a more efficient manner. All water from ground water wells is planned to be transported to the place of use by means of mainline, which will further reduce any water waste.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

Volume of Reservoir (acre-feet): _____ Dam height (feet, if excavated, write "zero"): _____

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Upon receipt of a permit.

Date construction will be completed: Within five years of permit issuance.

Date beneficial water use will begin: Within five years of permit issuance.

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

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SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

This landowner is requesting permission to drill one and up to three wells in order to achieve the maximum rate requested. Based on surrounding well logs, it is expected the landowner will most likely need to drill two wells to achieve the rate requested. The land is currently irrigated with flood irrigation and wheel lines. The landowner is planning to install pivots in order to more efficiently irrigate his land and is requesting a higher rate of 1/60th of a CFS per acre in order to proceed.

Due to the proximity of the Powder River, the landowner anticipates that he will have to drill and seal into bedrock and/or a confining layer (granite/basalt, sandstone or clay stone). Well logs in the area indicate the presence of a consolidated formation such as basalt and/or granite that could adequately serve as a confining layer that would allow the landowner to target an aquifer that is confined and has no hydraulic connection to the surface water. The landowner would like to employ a split seal in the well development.

Proposed well development will be similar to as outlined in OAR 690-210-0150 (1) (c) "Method 3" and as shown in Appendix 3, Figure 210-6. Section 3 proposes minimum well construction standards but the top seal depth and bottom seal depth will be in accordance with well development standards and will be material dependent (upper: impermeable clay layer, bottom: rock).

If this proposed well development method is not acceptable by the Oregon Water Resources Department ground water review team, it is the wish of the landowner that other acceptable option(s) are put forth for consideration and a potential ground water application amendment.

The landowner has a number of water rights certificates for the lands indicated but most of the certificates do not locate the acreage in each quarter-quarter where the water rights are located (in the case when they do not cover a full 40 acres). For example, the attached ground water application map shows 22.0 acres from Certificate 1509 and 18.5 acres from Certificate 8845 for the NW ¼ of the SE ¼ of Section 16. It is unknown where these water rights are located within the quarter-quarter, but the applicant is requesting supplemental irrigation for 19.0 acres from March 1 to October 31.

In addition, certificates 1487 and 1509 indicate irrigation is allowed from March 1 – October 1. The landowner is applying for permission to use ground water to supplement his existing primary water rights until October 31 of each year and is therefore applying for proposed use of primary and supplemental irrigation.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Randy Rupp
First Last

Mailing Address: 176 Kranichwood St

Richland WA 99352 Daytime Phone: (509) 628-7516
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
07S	39E	15	W ½ of the SW ¼	2900	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig
07S	39E	16	SE ¼ & SWSE	2900	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig
07S	39E	21	NWNE, NENE, SWNE, NENW	2700	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Baker	RECEIVED BY OWRD AUG 10 2015
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B. Description of Proposed Use

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Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 4.7 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

No new construction is proposed. This application is solely for the permission to drill ground water well(s).

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: JACK HAWARD Title: Planner
 Signature: [Signature] Phone: 541-531-8289 Date: 9/23/14
 Government Entity: Planning

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- SECTION 10: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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G-10127

WARRANTY DEED

Arthur F. Lyman and Mark C. Lyman, Trustees of the Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999 herein after called Grantor, convey(s) to Randy Rupp and Luz D Rupp, husband and wife, as tenants by the entirety herein after called Grantee, the following described real property situated in the County of Baker, State of Oregon, described as:

SEE ATTACHED EXHIBIT " A "

and covenants that grantor is the owner of the above-described property free of all encumbrances except covenant(s) conditions, restrictions, reservations, assessments, easements, rights of way of record or visible thereon; shortages in acreages, boundary disputes, encroachments or any other matters which a true and accurate survey would reveal; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is \$1,225,000.00.

Dated this 5 day of July 2011

Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999

By: Mark C. Lyman, Trustee

Signature of Arthur F Lyman, Trustee
By: Arthur F Lyman, Trustee

STATE OF Arizona }
COUNTY OF GILA } SS:

On July 5, 2011 personally appeared the above-named Arthur F. Lyman Trustee of the Ivan Lyman and Dorothy Lyman Trust Agreement UAD July 19th 1999 and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:
Signature of Notary
My appointment expires: 5/29/2014

Grantor(s):
Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999

Grantee(s)/Tax Statements To:
Randy Rupp and Luz D Rupp
176 Kranichwood Street
Richland, WA 99352

Return To:
Elkhorn Title Company
1725 Main Street
Baker City OR 97814

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SALEM, OR

G-18127

THIS DOCUMENT HAS BEEN SIGNED IN COUNTERPART BUT SHOULD BE CONSTRUED AS ONE DOCUMENT ETC #19404

WARRANTY DEED

Arthur F. Lyman and Mark C. Lyman, Trustees of the Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999 herein after called Grantor, convey(s) to Randy Rupp and Luz D Rupp, husband and wife, as tenants by the entirety herein after called Grantee, the following described real property situated in the County of Baker, State of Oregon, described as:

SEE ATTACHED EXHIBIT " A "

and covenants that grantor is the owner of the above-described property free of all encumbrances except covenant(s) conditions, restrictions, reservations, assessments, easements, rights of way of record or visible thereon; shortages in acreages, boundary disputes, encroachments or any other matters which a true and accurate survey would reveal; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is \$1,225,000.00.

Dated this 5 day of July 2011

Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999

By: Mark C. Lyman, Trustee (with signature)

By: Arthur F Lyman, Trustee

STATE OF OREGON } COUNTY OF Douglas } SS:

On July 5, 2011 personally appeared the above-named Mark C. Lyman Trustee of the Ivan Lyman and Dorothy Lyman Trust Agreement UAD July 19th 1999 and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: (with signature) My appointment expires: 10-4-2014

Grantor(s): Ivan Lyman and Dorothy Lyman Trust Agreement, UAD July 19, 1999

Grantee(s)/Tax Statements To: Randy Rupp and Luz D Rupp 176 Kranichwood Street Richland, WA 99352

Return To: Elkhorn Title Company 1725 Main Street Baker City OR 97814

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SALEM, OR

THIS DOCUMENT HAS BEEN SIGNED IN COUNTERPART BUT SHOULD BE CONSTRUED AS ONE DOCUMENT

G-1027

IN TOWNSHIP 7 SOUTH, RANGE 39 EAST of the Willamette Meridian, County of Baker and State of Oregon:

Section 15: The Southwest quarter of the Northeast quarter;
the South half of the Northwest quarter;
the Southwest quarter; and
the West half of the Southeast quarter;
EXCEPTING THEREFROM the following: Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 15;
thence North along the East line of said Southwest quarter, 900 feet more or less, to a point of intersection with a diagonal fence;
thence Southwesterly along said fence 950 feet more or less, to a point of intersection with the South line of said Section 15;
thence East along said South line, 300 feet more or less, to the point of beginning.
FURTHER EXCEPTING THEREFROM the following:
Beginning at the West quarter corner of said Section 15;
thence East 720 feet;
thence North 1400 feet, more or less, to the North line of the Southwest quarter of the Northwest quarter of said Section 15, and an existing fence line;
thence West 720 feet more or less to the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 15;
thence South 1400 feet more or less to the point of beginning.

Section 16: The Northeast quarter of the Southeast quarter;
the South half of the Southeast quarter;
all those portions of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Southwest quarter, and the Southeast quarter of the Southwest quarter lying South and East of the Amanda C. Moore Ditch (Permit No. 8845).
ALSO all that portion of the Southwest quarter of the Northeast quarter described in the following legal description:
Beginning at a point 1320.0 feet West of the West quarter corner of Section 15 said township and range;
thence South 1325.0 feet;
thence West 1320.0 feet;
thence North 636.8 feet to a ditch fence line; thence Northerly along the Amanda C. Moore Ditch (Permit No. 8845) the following 6 calls:
North 26°00'00" East 64.0 feet;
North 72°00'00" East 185.0 feet;
North 20°00'00" East 280.0 feet;

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North 42°00'00" West 240.0 feet;
North 12°00'00" West 190.0 feet;
East 210.0 feet;
thence South 53.8 feet;
thence East 1010.34 feet to the point of beginning.

EXCEPT that portion conveyed for highway by the following deeds:

- (a) Deed to Baker County recorded March 5, 1921, in Deed Book 94, page 618;
- (b) Deed to Baker County recorded March 23, 1921, in Deed Book 95, page 33;
- (c) Deed to The State of Oregon by and through its State Highway Commission recorded April 6, 1940, in Deed Book 128, page 354.

Section 21: The Northeast quarter, and all that portion of the Northeast quarter of the Northwest quarter lying South and East of the Old Oregon Trail Highway (U. S. No. 30).

(Continued)

Section 22: The Northwest quarter, and the following described portion of the Northwest quarter of the Northeast quarter:
Commencing at the Northwest corner of the Northeast quarter of said Section 22;
thence South along the West line thereof, 557 feet to the Southeasterly side of an irrigation ditch;
thence Northeasterly along the Southeasterly side of said ditch, 876 feet more or less, to where the same intersects the North line of said Section 22;
thence West along said North line, a distance of 676 feet more or less, to the point of beginning.

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STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN, BAKER CO. CLERK
BY Tara Phillips DEPUTY
DOC#: 11280002B

7/07/2011 3:20 PM
REF .00 56.00

ETC CWS

Rupp Well Ground Water Application - Place of Use for Primary and Supplemental Ground Water
 T 07S, R 39E, Sections 15, 16, 21, 22

6-18-15

WR Certificate	Irrigation Type	Section	NE				NW				SW				SE				Total:	Requested Period of Use
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
-	Prim	15									38.0	15.0						53.00	Mar 1 - Oct 31	
1509	Supp	15						40.0	24.0	15.0	40.0	20.0						139.00	Mar 1 - Oct 1	
4438	Supp	15			33.0				12.0	38.0			40.0		31.5	24.5		179.00	Jan 1 - Dec 31	
29065	Supp	15			0.3							7.4						7.70	Jan 1 - Dec 31	
																		0.00		
-	Prim	16											2.0	40.0	19.0	36.0	40.0	137.00	Mar 1 - Oct 31	
1487	Supp	16												40.0		36.0	40.0	116.00	Mar 1 - Oct 1	
1509	Supp	16			2.0	32.0									22.0			56.00	Mar 1 - Oct 1	
8845	Supp	16			20.0	40.0									18.5			78.50	Jan 1 - Dec 31	
28770	Supp	16														2.3		2.30	Jan 1 - Dec 31	
29065	Supp	16								2.4			17.3			0.1		19.80	Jan 1 - Dec 31	
																		0.00		
-	Prim	21	20.0	40.0	9.0		23.0											92.00	Mar 1 - Oct 31	
1487	Supp	21							34.0									34.00	Mar 1 - Oct 1	
1509	Supp	21	25.0	40.0	15.0		37.5											117.50	Mar 1 - Oct 1	
4438	Supp	21			31.0													31.00	Jan 1 - Dec 31	
28770	Supp	21								14.7			19.2					33.90	Jan 1 - Dec 31	
29065	Supp	21				0.4												0.40	Jan 1 - Dec 31	
																		0.00		
Total:			45.0	80.0	110.3	72.4	60.5	0.0	40.0	70.0	70.1	78.0	42.4	78.5	80.0	91.0	98.9	80.0		

Total Primary Acreage in Ground Water Application: 282.00
 Total Supplemental Acreage in Ground Water Application: 815.10
 Total Acreage: 1097.1

Requested rate:
 282 acres x $\frac{1 \text{ CFS}}{60 \text{ acre}}$ = 4.7 CFS
 = 2109.5 GPM

Requested duty:
 282 acres x $\frac{3 \text{ acre-ft}}{1 \text{ acre}}$ = 846 acre-ft

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